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18
19 **UNITED STATES DISTRICT COURT**
20
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 ANASTASIA MARTINEZ,
23 Plaintiff,

24 v.

25 COUNTY OF LOS ANGELES, ALEX
26 VILLANUEVA, CALIFORNIA
27 COMMERCE CLUB, INC. and DOES
28 1 through 10,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

1. VIOLATION OF CIVIL RIGHTS
42 U.S.C. § 1983 (Fourth
Amendment)
2. VIOLATION OF CIVIL RIGHTS
42 U.S.C. § 1983 (Fourteenth
Amendment)
3. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §§ 1983, 1988
(Conspiracy)
4. VIOLATION OF CIVIL RIGHTS
42 U.S.C. § 1983 (Municipal
Liability—*Monell*)
5. VIOLATION OF CIVIL RIGHTS
42 U.S.C. § 1983 (Municipal and
Supervisory Liability—*Larez*)
(Failure to Train and Supervise—*Canton*)

1 (Supplemental Jurisdiction)
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6. Bane Act (Cal. Civ. Code §52.1)
7. Gender Violence (Cal. Civ. Code
§52.4)
8. Sexual Battery (Cal. Civ. Code
§1708.5)
9. Assault
10. Battery
11. Cal Pen Code §679.02 (tort-in-
essence)
12. Cal Pen Code §680 (tort-in-essence)
13. Cal Civ Code §43 (violation of
personal rights)
14. Negligence (Cal Civ Code §§ 1714
and 3333)
15. Civil Conspiracy

11 JURY DEMAND
12

13 **PLAINTIFF ALLEGES AS FOLLOWS:**

14 This is a complaint for damages based upon federal and state civil rights
15 violations and torts committed by the Defendant County of Los Angeles and its
16 respective officials, uniformed peace officers, employees, and/or agents – as well as
17 commercial hotel operator and employee defendants. This case is brought pursuant to
18 42 U.S.C. §§ 1983 and 1988 – as well as various other federal and state laws.

19 **JURISDICTION**

20 1. Plaintiff brings this case pursuant to 42 U.S.C. §§ 1983 and 1988. Jurisdiction
21 is based upon 28 U.S.C. §§ 1331, 1343 (1–4). Supplemental jurisdiction exists
22 over the state claims and Defendants pursuant to 28 U.S.C. § 1337. Plaintiff has
23 timely satisfied the Tort Claims Act as to California state law claims made
24 herein.

25 **VENUE**

26 2. The claims alleged herein arose from events or omissions that occurred in the
27 County of Los Angeles. Therefore, venue lies in the Central District of
28 California pursuant to 28 U.S.C. § 1331(b)(2).

PARTIES

Plaintiff

3. Plaintiff Anastasia Martinez, was a resident and private citizen of the State of California at all times material to this Complaint.

Defendants

8 4. Plaintiff is informed, believes, and thereupon alleges that Defendant DOE ONE
9 (“ASSAULTING DEPUTY”) was at all times material herein acting under color
10 of law within the course and scope of his employment and office as a law
11 enforcement officer and Sheriff’s Deputy of the Los Angeles County Sheriff’s
12 Department (“LASD”). He is being sued individually and in his official
13 capacity.

14 5. Plaintiff is informed, believes, and thereupon alleges that Defendant ALEX
15 VILLANUEVA (“Defendant Sheriff”) was at all times material herein acting
16 under color of law within the course and scope of his employment and office as
17 a law enforcement officer and Sheriff of Los Angeles County. He is being sued
18 individually and in his official capacity.

19 6. Plaintiff is informed, believes, and thereupon alleges that Defendant COUNTY
20 OF LOS ANGELES (“Defendant County”) is a duly constituted governmental
21 entity in the State of California, and is, or was at all times material herein, the
22 employer of all Defendant Sheriff’s Deputies, who are all sued in their
23 individual and official capacities, Defendant DOES 3 through 5.

24 7. Plaintiff is informed, believes, and thereupon alleges that Doe Defendant Two
25 is a duly registered corporate and/or business entity in the State of California,
26 and is or was at all times material herein, an employer of one, or all, of
27 Defendant DOES 6 through 8.

1 8. Plaintiff is informed, believes, and thereupon alleges that Defendant
2 CALIFORNIA COMMERCE CLUB, INC. (“Defendant Casino”) owns and/or
3 operates the Crowne Plaza Commerce Casino & Hotel, located on Telegraph
4 Road in Commerce California, and is a duly registered corporate and/or business
5 entity in the State of California, and is or was at all times material herein, an
6 employer of one, or all, of Defendant DOES 6 through 8.

7 9. The identities, capacities, and/or or nature of involvement of Defendant DOES
8 1 through 10 (“Doe Defendants”) are presently unknown to Plaintiff. Plaintiff
9 therefore sues such persons using “Does” as fictitiously-named defendants.
10 Plaintiff is informed, believes, and thereupon allege that there is likely to be
11 evidentiary support to prove that each Doe Defendant was involved in some
12 manner and legally responsible for the acts, omissions, and/or breaches of duty
13 alleged below. Plaintiff will amend the Complaint to name the Doe Defendants
14 upon learning their true identities and roles in the actions complained of herein.

15 10. All of the facts, acts, omissions, events, and circumstances herein mentioned
16 and described occurred in the County of Los Angeles, State of California, and
17 the corporate, business and/or entity Defendants, and each of them, are residents
18 of the County of Los Angeles, State of California, and/or have their principal
19 place of business in said County and State, and/or are doing business in said
20 County and State.

21 11. Plaintiff is informed, believes, and thereupon alleges that all Sheriff’s Deputy
22 Does, including ASSAULTING DEPUTY, were employed by Defendant
23 County and were, at all times relevant and material to this Complaint, acting
24 within the course and scope of their employment duties for Defendant County,
25 and under color of law. Plaintiff is informed, believes, and thereupon alleges
26 that each of the individual Defendants’ acts were known to, discovered by,
27 approved by, and/or ratified by Defendant County, by and through their policy
28

1 makers, decision makers, officials, officers, and/or supervisors and applicable
2 Doe Defendants.

3 12. Plaintiff is informed, believes, and thereupon alleges that Doe Defendants 6
4 through 8, at all times relevant and material to this Complaint, were acting
5 within the course and scope of their employment duties for COMMERCE
6 CASINO and/or Doe Defendant Two, under color of law. Plaintiff is informed,
7 believes, and thereupon alleges that each of the individual Doe Defendants' acts
8 were known to, discovered by, approved by, and/or ratified by COMMERCE
9 CASINO and/or Doe Defendant Two, by and through policy makers, decision
10 makers, officers, and/or supervisors, including applicable Doe Defendants.

11 13. Plaintiff is informed, believes, and thereupon alleges that officials, supervisors,
12 policy makers, and other individuals with the authority to set or modify
13 municipal and/or departmental policy, *de jure* or *de facto*, of Defendant County
14 and/or Doe Defendants, participated in, approved of, ratified, and/or failed to
15 prevent the acts by ASSAULTING DEPUTY and Doe Deputy Defendants of
16 which Plaintiff complains herein.

17 14. Plaintiff is informed, believes, and thereupon alleges that at all times herein
18 mentioned, each of the Defendants—including officials, supervisors, watch
19 commanders, and other policy makers from Defendant County and/or Doe
20 Defendants and their agents—was the agent, employee, or co-conspirator of one
21 other, some, or all of their Co-Defendants. Plaintiff is informed, believes, and
22 thereupon alleges that each of the Defendants, acting individually and/or in
23 concert with each other, engaged in a common plan to violate Plaintiff's rights
24 to privacy, security in person and effects, freedom from excessive force,
25 freedom from unreasonable seizures, and due process of law, among others
26 described herein – as well as assault and sexually batter Plaintiff and conceal
27 and cover-up all Defendants' violations, failures and misdoings so as to obstruct
28 Plaintiff in her pursuit of justice and accountability. In doing each and all of the

1 things herein mentioned, or neglecting or intentionally failing to rectify said
2 misconduct, each and all Defendants were acting pursuant to a *de facto* policy
3 and within the scope of such agency, employment, and conspiracy and with full
4 permission, knowledge, approval, ratification, and support of each other.

5

6 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

7

8 ***The Sexual Battery of Plaintiff Anastasia Martinez***

9 15. Plaintiff, Anastasia Martinez, is a young mother of two minor children and
10 resident of Los Angeles County, in California.

11 16. Plaintiff was harmed when she was wrongfully and unlawfully detained,
12 assaulted, sexually battered, left unprotected and taken advantage of by
13 employees, deputies and/or agents (hereafter “deputies”) of Defendant County
14 and employees of Defendant Casino on or about August 14, 2021 (hereafter
15 “date of the incident”), at the Crowne Plaza Commerce Casino & Hotel (the
16 “hotel”), on Telegraph Road in Commerce, California.

17 17. Just before midnight on the date of the incident and/or in the early morning hours
18 on the day thereafter, the deputies responded to a call for service at the hotel
19 following an altercation between Plaintiff and her boyfriend who both had
20 multiple alcoholic beverages. Plaintiff’s boyfriend left the hotel before the
21 deputies arrived.

22 18. While taking an incident report, the deputies obtained Plaintiff’s personal
23 information, her contact information, and her trust. The deputies accompanied
24 Plaintiff to the front desk of the hotel and helped her obtain a new key for her
25 hotel room. Following obtaining Plaintiff’s information and trust, the deputies
26 left the hotel. Plaintiff stayed in her hotel room.

27

28

1 19. After the deputies left the hotel, ASSAULTING DEPUTY, called Plaintiff's cell
2 phone under the guise of asking if he could come back to her hotel room to check
3 on her well-being. Plaintiff thought the call from ASSAULTING DEPUTY was
4 unusual, but she agreed that ASSAULTING DEPUTY could return to check on
5 her well-being because the deputies gained her trust.

6 20. ASSAULTING DEPUTY returned to Defendant Casino's hotel, where
7 Defendant Casino provided inadequate security by one of its employees
8 showing and accompanying ASSAULTING DEPUTY to Plaintiff's hotel room
9 door. Defendant Casino was aware of Plaintiff's intoxicated and vulnerable
10 condition and knew there was no further or additional call for service related to
11 Plaintiff.

12 21. ASSAULTING DEPUTY arrived at Plaintiff's hotel room door – on duty – and
13 dressed in his full uniform, including his badge and gun. When Plaintiff opened
14 the door, ASSAULTING DEPUTY assertively stepped into her room and
15 checked around corners making sure no one else was there. After Plaintiff sat
16 down and expected ASSAULTING DEPUTY would discuss her well-being
17 with her – ASSAULTING DEPUTY exposed his penis in an effort to obtain oral
18 sex from Plaintiff. Plaintiff, being in fear for her safety if she did not engage in
19 the oral sex act, engaged in oral sex with ASSAULTING DEPUTY upon penis.
20 Plaintiff did not want to engage in oral sex with ASSAULTING DEPUTY, but
21 felt she was not free to leave and had no choice.¹

22

23

24 ¹ “Police officers occupy a unique position of trust in our society They are given
25 the authority to detain and to arrest and, when necessary, to use deadly force. As visible
26 symbols of that formidable power, an officer is furnished a distinctively marked car, a
27 uniform, a badge, and a gun. Those who challenge an officer's actions do so at their
28 peril.” *Mary M. v. City of L.A.*, 54 Cal. 3d 202, 206 (1991).

- 1 22. During the coerced oral sex act, ASSAULTING DEPUTY caused his penis to
- 2 touch Plaintiff's face and mouth and enter her mouth.
- 3 23. During and after the coerced oral sex act, Plaintiff was extremely fearful,
- 4 nervous, disoriented, in shock, and distraught. She called her mother and best
- 5 friend to seek guidance and comfort.
- 6 24. Because ASSAULTING DEPUTY called Plaintiff's cell phone, ASSAULTING
- 7 DEPUTY'S phone number was known to Plaintiff and she gave it to her mother.
- 8 Plaintiff's mother angrily called ASSAULTING DEPUTY to question him
- 9 about sexually assaulting her daughter and promise to hold him accountable. On
- 10 the call, ASSAULTING DEPUTY slyly responded to Plaintiff's mother "good
- 11 luck."
- 12 25. Hours later, Plaintiff was taken to the hospital for a rape kit. Plaintiff and her
- 13 mother made a personnel complaint against ASSAULTING DEPUTY with
- 14 LASD. Three LASD deputies obtained a statement from Plaintiff regarding the
- 15 sexual assault. They informed Plaintiff that the hotel cameras showed
- 16 ASSAULTING DEPUTY reentering the hotel on two separate occasions in the
- 17 early morning hours on the date of the incident.
- 18 26. Since the incident, Plaintiff, her advocates and her counsel, on several occasions
- 19 have requested that Defendant County of Los Angeles provide Plaintiff with the
- 20 name of ASSAULTING DEPUTY so as to enable Plaintiff to properly pursue
- 21 justice for the violation of her civil rights as well as to be able to effectively
- 22 report the crime that was committed against her and avail herself of the rights
- 23 afforded victims of such crimes.
- 24 27. Plaintiff also seeks the name of ASSAULTING DEPUTY as part of her process
- 25 of mentally and emotionally working through the extreme despair and distress
- 26 the incident has caused her.
- 27
- 28

- 1 28. LASD personnel, agents and employees of Defendant County, were on multiple
2 occasions throughout September, October and November of 2021, and
3 throughout 2022 – asked by Plaintiff and her representatives for the identity of
4 ASSAULTING DEPUTY during phone calls and at multiple locations,
5 including but not limited to, at the U.S. Federal Bureau of Investigation's (FBI)
6 West Los Angeles offices and the LASD Internal Criminal Investigation offices
7 (with FBI agent and Deputy District Attorney present). On every such occasion,
8 LASD refused, and continues to refuse, to disclose to Plaintiff the name of the
9 law enforcement officer who violated her rights and committed the sex crime
10 against her.
- 11 29. The conduct by agents and employees of the Los Angeles County Sheriff's
12 Department – beginning with the sex crime against Plaintiff, the violation of her
13 rights, and the subsequent intentional concealment of the identity of
14 ASSAULTING DEPUTY to frustrate, interfere with and prevent Plaintiff's
15 efforts to secure justice and due process of law are outrageous, shocking to the
16 conscience, unlawful, conspiratorial and committed in whole or in part with the
17 express design to limit the County of Los Angeles' liability for civil rights
18 violations and keep the County of Los Angeles and its officials from suffering
19 public humiliation and ridicule for their inability and/or unwillingness to prevent
20 unlawful acts by their own law enforcement officers.
- 21 30. Further, the conduct by agents and employees of the County of Los Angeles
22 evinces a clear and unlawful difference in treatment of persons who are victims
23 of crimes and sex crimes committed by law enforcement officers – as opposed
24 to victims who suffer at the hands of non-law enforcement officer perpetrators.
25 A crime is a crime. NO ONE IS ABOVE THE LAW.

26
27
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1 31. Plaintiff did nothing to justify the shocking, unlawful and reprehensible action
2 taken against her by the LA County personnel described herein. Consequently,
3 each such person's actions under the presented circumstances were excessive,
4 unlawful, malicious, oppressive, and with a deliberate indifference to Plaintiff's
5 rights, justifying the imposition of punitive damages. Further, the government
6 agents, and each of them, acted individually, and agreed, conspired and acted in
7 concert with each other to injure Plaintiff, violate her civil rights and/or conceal
8 evidence thereof. Moreover, several unidentified agents, employees,
9 supervisors, officials and/or policy makers of the Los Angeles County Sheriff's
10 Department approved of, enabled, failed to prevent and/or ratified all of the
11 conduct complained of herein.

12 32. Plaintiff did nothing to justify, authorize, excuse or in any way make lawful
13 Defendant Casino's agents' and employees' failures to protect her and breaches
14 of duty as described throughout this lawsuit.

15 33. Plaintiff endured, and continues to endure, substantial pain and suffering due to
16 the acts and omissions of all defendants, and each of them.

18
19 **CLAIMS FOR RELIEF**

20 ***

21
22 **FIRST CLAIM FOR RELIEF**

23 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

24 **Fourth Amendment (Unlawful Seizure)**

25 **By Plaintiff Against Defendant County and ASSAULTING DEPUTY**

26
27 34. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth
28 herein.

1 35. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to
2 redress a deprivation under color of law of a right, privilege, or immunity
3 secured to persons by the Fourth Amendment to the United States Constitution.
4 36. The Fourth Amendment protects persons from unreasonable searches and
5 seizures, including the use of excessive force.
6 37. The unlawful seizure of Plaintiff by the ASSAULTING DEPUTY was
7 accomplished under the guise of continuing efforts related to the incident for
8 which ASSAULTING DEPUTY originally encountered Plaintiff. The seizure
9 of Plaintiff was accomplished via ASSAULTING DEPUTY'S show of
10 authority as a law enforcement officer – displaying his gun, uniform, badge (and
11 later his penis) – during his presence which he initially claimed was for a law
12 enforcement purpose. Plaintiff was reasonably fearful for her safety and did not
13 feel free to leave because she was within the confines of her hotel room, alone
14 with ASSAULTING DEPUTY displaying his uniform, badge, gun and ... penis.
15 ASSAULTING DEPUTY'S seizure of Plaintiff was without lawful basis,
16 reasonable suspicion, probable cause, or warrant, or any recognized exceptions
17 thereto, or justification or excuse, and was thus unreasonable and in violation of
18 Plaintiff's Fourth Amendment rights. It is has long been the case that a law
19 enforcement officer's desire to display his penis and have sexual gratification is
20 not a sufficient legal basis for a seizure – in America.

21
22 **SECOND CLAIM FOR RELIEF**

23 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

24 **Fourteenth Amendment (Due Process)**

25 **By Plaintiff Against Defendants County, Sheriff, ASSAULTING DEPUTY, and**
26 **DOES**

27
28 38. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth

1 herein.

2 39. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to
3 redress a deprivation under color of law of a right, privilege, or immunity
4 secured to persons by the Fourteenth Amendment to the United States
5 Constitution.

6 40. Fourteenth Amendment guarantees Plaintiff substantive and procedural due
7 process of law. Defendants' actions complained of herein were violations of
8 both guarantees of due process.

9

10 ***The Display of the Penis and Coerced Sex Act
While In Uniform***

11

12

13 41. ASSAULTING DEPUTY, an officer of the law, used his position and authority
14 as a government agent to victimize and coerce sex from a highly intoxicated
15 young woman he encountered under the auspices of a service call.

16 42. Later, when confronted by his victim's mother about being held accountable,
17 ASSAULTING DEPUTY told her mother "good luck."

18 43. ASSAULTING DEPUTY'S uniformed display of his penis, coercion of sex, and
19 taunting of his victim's mother are all outrageous government conduct.

20 44. The collaboration and agreement and by Doe Deputies is also outrageous (see
21 *infra*).

22

23 ***The Cover-Up by the Sheriff and County***

24

25 45. ASSAULTING DEPUTY'S and outrageous conduct is compounded and made
26 worse by the conduct of Defendant Sheriff and Defendant County's
27 concealment of ASSAULTING DEPUTY'S identity. Concealing
28 ASSAULTING DEPUTY'S identity impedes and prevents Plaintiff from

healing and working through emotional and psychological trauma from the incident, and obstructs her pursuit of accountability for his unlawful conduct.

46. Defendant Sheriff's and Defendant County's conduct of concealment is
outrageous government conduct

47. The complained of acts of Defendants were beyond the bounds of acts tolerable in a civilized society, and so egregious and outrageous that they may fairly be said to shock the contemporary conscience.

48. Plaintiff specifically alleges that Defendants' complained of acts and/or omissions, were within each of their control, and within the feasibility of each of them, to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and injury complained of herein by Plaintiff.

THIRD CLAIM FOR RELIEF

VIOLATION OF CIVIL RIGHTS (42 U.S.C. §§ 1983, 1988)

Conspiracy to Violate Civil Rights

By Plaintiff Against All Defendants and DOES

The Collaboration

49. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth herein.

50. This cause of action arises under 42 U.S.C. §§ 1983 and 1988, wherein Plaintiff seeks to redress a deprivation under color of law of a right, privilege or immunity secured by the United States Constitution.

51. Defendants and DOES and each of them, acted as described herein, in conspiracy with, and with the agreement, permission, ratification, and approval of, each other to violate Plaintiff's civil rights afforded under the United States Constitution.

1 52. Plaintiff is informed, believes and alleges that each of the deputies who
2 responded to the call for service and were present at her hotel room observed
3 her intoxicated and vulnerable state of being. The deputies, and each of them,
4 then all communicated, collaborated, planned and selected one of them to return
5 to Plaintiff's hotel room and have sex with Plaintiff. ASSAULTING DEPUTY
6 is the deputy all the deputies jointly agreed upon, selected and assisted.

7 53. Plaintiff is informed, believes and alleges that upon his return to Defendant
8 Casino's premises, ASSAULTING DEPUTY collaborated with one or more of
9 Defendant Casino's employees and/or agents to find, be escorted to, and gain
10 entry to Plaintiff's hotel room under the false pretense of checking on Plaintiff's
11 well-being.

12

13 ***The Cover-Up***

14 54. Plaintiff is informed, believes and alleges that all the denials of all of Plaintiff's
15 requests to know the identity of ASSAULTING DEPUTY have been the result
16 of a concerted plan and agreement between various employees and officials of
17 Defendant County to frustrate, flummox and foil Plaintiff's efforts to seek and
18 obtain justice and accountability for the wrongdoing wrought upon her by
19 defendants – and each of them.

20 55. Plaintiff is informed, believes and alleges that Defendant County and its officials
21 and employees, including Defendant Sheriff, are collaborating to intentionally
22 withhold even the most basic information from Plaintiff about the identity of
23 ASSAULTING DEPUTY, obstructing her pursuit of justice, so as to minimize
24 the risk to Defendant County and Defendant Sheriff of embarrassment,
25 humiliation and adverse damages judgments. Plaintiff is legally entitled to the
26 information she is seeking and the defendants are working together to make sure
27 she does not get it.

28

1 56. Plaintiff specifically alleges that Defendants' complained of acts and/or
2 omissions, were within each of their control, and within the feasibility of each
3 of them, to alter, adjust, and/or correct so as to prevent some or all of the
4 unlawful acts and injury complained of herein by Plaintiff.

5

6 **FOURTH CLAIM FOR RELIEF**

7 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

8 **Unconstitutional Policy, Custom, or Procedure (*Monell*)**

9 **By Plaintiff Against Defendant County**

10
11 57. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth
12 herein.

13 58. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to
14 redress a deprivation under color of law of a right, privilege, or immunity
15 secured by the United States Constitution.

16 59. Defendant County violated Plaintiff's constitutional rights, as alleged
17 throughout this Complaint, by creating and maintaining the following
18 unconstitutional customs and practices, *inter alia*:

19 (i) Plaintiff alleges that Defendant County has a *de facto* policy, custom or
20 practice of condoning, ratifying, failing to discipline, failing to investigate, and
21 of retaining, personnel who commit sexual assault, sexual battery and/or gender
22 violence;

23 (ii) Plaintiff alleges that Defendant Sheriff has a *de facto* policy, custom or
24 practice of condoning, ratifying, failing to discipline, failing to investigate, and
25 of retaining, personnel who harass and discriminate against women and/or treat
26 them less favorably based upon their gender;

27 (iii) Plaintiff alleges that Defendant County has a *de facto* policy, custom or
28 practice of condoning, ratifying, failing to discipline, failing to investigate, and

1 of retaining, personnel who conceal and suppress evidence of LASD
 2 wrongdoing to avoid public scrutiny and adverse judgments; and

3 (iv) The allegations in items (i) through (iii) hereinabove are supported by the
 4 facts of the following incidents, *inter alia*:

- 5 a. [gender violence] LASD Deputy Jose Rigaberto Sanchez raped 24
 6 year-old woman and a 36 year-old woman (2014), LASD Deputy
 7 Giancarlo Scotti raped six women (2017), LASD Detective Neil
 8 Kimball raped 15 year-old girl (2018), LASD Deputy Sean Essex
 9 raped girl under 14 years old (2022);
- 10 b. [gender discrimination] LASD Deputy Carl Mandoyan is abusive,
 11 threatening and tries to break in the house of female trainee with whom
 12 he becomes intimate – tells her “this is what happens to fucking
 13 disrespectful fucking bitches” – is rehired (with backpay) by
 14 Defendant Sheriff after being terminated by his predecessor.
 15 Defendant Sheriff accuses victim (also an LASD deputy) of “... [A]
 16 prior history of making outrageous allegations not supported by facts.
 17 Kind of a—what’s that, the lacrosse players that were accused ...”
 18 “Kind of like that. She needs help.” (2018)
- 19 c. [evidence suppression and cover-up] Former LASD Chief Lajuana
 20 Haselrig, a 34-year LASD veteran, filed a whistleblower lawsuit one
 21 week after LASD Deputy Robin Limon also filed a whistleblower
 22 lawsuit in response to Defendant Sheriff’s alleged attempted cover-up
 23 and suppression of a video wherein LASD Deputy Douglas Johnson
 24 kneels on the head of inmate Enzo Escalante (2022). Further, Sheriff
 25 tolerates, condones and denies the existence of deputy gangs within
 26 his department which commit unlawful acts and discriminate against
 27 and oppress women. (ongoing)

28

- 1 60. Defendant County's and Defendant Sheriff's policies, practices or customs
- 2 encourage, support and ratify conduct such as that, and that, of ASSAULTING
- 3 DEPUTY in this case.
- 4 61. Defendant County's policies, practices or customs caused and were the moving
- 5 force and/or affirmative link behind some or all of the violations of Plaintiff's
- 6 constitutional rights at issue in this case.
- 7 62. Plaintiff is informed, believes, and thereupon alleges that these policies,
- 8 practices, customs, and procedures are intentional and/or the result of deliberate
- 9 indifference on the part of Defendant County, by and through its decision
- 10 makers, including Defendant Sheriff.
- 11 63. The foregoing unconstitutional customs and practices were a direct and legal
- 12 cause of harm to Plaintiff.
- 13 64. Plaintiff specifically alleges that Defendant County's policies, customs, and/or
- 14 practices, as described herein, were within the control of Defendant County and
- 15 within the feasibility of Defendant County, to alter, adjust, and/or correct so as
- 16 to prevent some or all of the unlawful acts and injury complained of herein by
- 17 Plaintiff.

18

19 **FIFTH CLAIM FOR RELIEF**

20 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

21 **Failure to Train, Supervise, Discipline, or Correct (*Larez & City of Canton*)**

22 **By Plaintiff Against Defendants County and Sheriff**

- 24 65. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth
- 25 herein.
- 26 66. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to
- 27 redress a deprivation under color of law of a right, privilege, or immunity
- 28 secured by the United States Constitution.

1 67. Defendant County and Defendant Sheriff, and each of them, violated Plaintiff's
2 constitutional rights, as alleged in this Complaint, by creating and maintaining
3 the following unconstitutional customs and practices, *inter alia*:

4 (i) Plaintiff is informed, believes, and thereupon alleges that Defendant
5 County and Defendant Sheriff, and each of them, have ample reason to know,
6 based upon arrest reports, complaints, claims for damages, *inter alia*, that
7 County officers and/or employees regularly engage in the misdeeds set forth in
8 this entire complaint;

9 (ii) Plaintiff is informed, believes, and thereupon alleges that Defendant
10 County and Defendant Sheriff, and each of them, have failed to properly train,
11 supervise, and/or discipline employees, officers, managers, and supervisors
12 within the Los Angeles County Sheriff's Department ("LASD") as to the legal
13 requirements and protections for persons as set forth in the United States and
14 California Constitutions, and other laws;

15 (iii) Plaintiff is informed, believes, and thereupon alleges that Defendant
16 County and Defendant Sheriff, and each of them, have failed to properly train,
17 supervise, and/or discipline employees, officers, managers, and supervisors
18 within the LASD as to avoidance and prevention of gender discrimination and
19 gender violence;

20 (iv) Plaintiff is informed, believes, and thereupon alleges that Defendant
21 County and Defendant Sheriff, and each of them, have failed to properly train,
22 supervise, and/or discipline employees, officers, managers, and supervisors
23 within the LASD as to avoidance and prevention of sexual harassment;

24 (v) Plaintiff is informed, believes, and thereupon alleges that Defendant
25 County has failed to properly train, supervise, and/or discipline employees,
26 officers, managers, and supervisors within the LASD as to the lawful
27 requirements regarding disclosure and release of information about officer
28 and/or employee misconduct to victims and the public; and

1 (vi) Plaintiff alleges that these failures amount to a *de facto* policy and are
2 intentional and/or the result of deliberate indifference on the part of Defendant
3 County and Defendant Sheriff, and each of them. These include, but are not
4 limited to, all supervisors and their subordinates, as necessary to further these
5 improper policies, practices, customs, and procedures.

6 68. The foregoing unconstitutional customs and practices were a direct and legal
7 cause of harm to Plaintiff.

8 69. Some or all Doe defendants acted in a supervisory capacity with respect to the
9 incidents involving Plaintiff. In that capacity, those persons acted intentionally,
10 maliciously, in conscious disregard, and/or with deliberate indifference to the
11 rights of Plaintiff.

12 70. These supervisory failures directly caused and contributed to Plaintiff's
13 damages.

14 71. Plaintiff specifically alleges that Defendants' policies, customs, and practices,
15 as described *supra*, were within each of their control, and within the feasibility
16 of each of them, to alter, adjust, and/or correct so as to prevent some or all of
17 the unlawful acts and injury complained of herein by Plaintiff.

18

19 **SIXTH CLAIM FOR RELIEF**

20 **BANE ACT (Cal. Civ. Code §52.1)**

21 **By Plaintiff Against All Defendants**

22

23 72. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
24 herein.

25 73. All defendants, and each of them, by doing and/or causing the acts complained
26 of in this entire Complaint, violated Plaintiff's civil rights per California Civil
27 Code Sections 52.1 and 52(b) by doing the acts described herein above. Each
28

1 act and/or violation of rights done by each Defendant and/or deputy to Plaintiff
 2 was done by way of threats, intimidation and/or coercion beyond that inherent
 3 in each act and/or violation of rights itself because, *inter alia*, each act was
 4 additionally a violation of personal rights under Cal. Civ. Code §43. There were
 5 also multiple coercive acts.

6 74. Entity and/or agency defendants are liable to plaintiff for the acts of their public
 7 employees, the individual defendants herein, for conduct and/or omissions
 8 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at
 9 California Government Code § 815.2.

10 75. Defendants, and each of them, for the respective acts and violations pleaded
 11 herein above, are liable to Plaintiff for damages, and penalties and attorneys'
 12 fees as provided in California Civil Code §52(b), including but not limited to an
 13 amount no less than \$25,000 to Plaintiff, per each Defendant, per each violation
 14 of right, in addition to all other remedies supported by or provided for by law.

15 76. Defendants, and each of them, for the respective acts and violations pleaded
 16 herein above, are liable to Plaintiff for attorneys' fees as provided in California
 17 Civil Code § 52(b)(3).

18 77. Defendants, and each of them, for the respective acts and violations pleaded
 19 herein above, are liable to Plaintiff for damages, penalties and attorneys' fees as
 20 provided in California Civil Code § 52.1(b).

21 78. Plaintiff specifically alleges that Defendants' complained of acts and/or
 22 omissions, were within each of their control, and within the feasibility of each
 23 of them, to alter, adjust, and/or correct so as to prevent some or all of the
 24 unlawful acts and injury complained of herein by Plaintiff.

25

26

27 **SEVENTH CLAIM FOR RELIEF**

28 **SEXUAL BATTERY (Cal. Civ. Code §1708.5)**

By Plaintiff Against ASSAULTING DEPUTY

79. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.
80. ASSAULTING DEPUTY, by doing and/or causing the acts complained of in this entire Complaint, is liable for committing the tort of sexual battery as defined by Cal. Civ. Code §1708.5.
81. Entity and/or agency defendants are liable to plaintiff for the acts of their public employees, the individual defendants herein, for conduct and/or omissions herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at California Government Code § 815.2.
82. Plaintiff specifically alleges that Defendants' complained of acts and/or omissions, were within each of their control, and within the feasibility of each of them, to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and injury complained of herein by Plaintiff.

EIGHTH CLAIM FOR RELIEF

SEXUAL BATTERY (Cal. Civ. Code §1708.5)

By Plaintiff Against ASSAULTING DEPUTY

83. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.
84. ASSAULTING DEPUTY, by doing and/or causing the acts complained of in this entire Complaint, is liable for committing the tort of sexual battery as defined by Cal. Civ. Code §1708.5.
85. Entity and/or agency defendants are liable to plaintiff for the acts of their public employees, the individual defendants herein, for conduct and/or omissions

1 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at
2 California Government Code § 815.2.

3 86. Plaintiff specifically alleges that Defendants' complained of acts and/or
4 omissions, were within each of their control, and within the feasibility of each
5 of them, to alter, adjust, and/or correct so as to prevent some or all of the
6 unlawful acts and injury complained of herein by Plaintiff.

NINTH CLAIM FOR RELIEF

ASSAULT

By Plaintiff Against ASSAULTING DEPUTY

12 87. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
13 herein.
14 88. ASSAULTING DEPUTY, by doing and/or causing the acts complained of in
15 this entire Complaint, is liable for committing the tort of assault.
16 89. Entity and/or agency defendants are liable to plaintiff for the acts of their public
17 employees, the individual defendants herein, for conduct and/or omissions
18 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at
19 California Government Code § 815.2.
20 90. Plaintiff specifically alleges that Defendants' complained of acts and/or
21 omissions, were within each of their control, and within the feasibility of each
22 of them, to alter, adjust, and/or correct so as to prevent some or all of the
23 unlawful acts and injury complained of herein by Plaintiff.

TENTH CLAIM FOR RELIEF

BATTERY

By Plaintiff Against ASSAULTING DEPUTY

1
2 91. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
3 herein.
4 92. ASSAULTING DEPUTY, by doing and/or causing the acts complained of in
5 this entire Complaint, is liable for committing the tort of battery.
6 93. Entity and/or agency defendants are liable to plaintiff for the acts of their public
7 employees, the individual defendants herein, for conduct and/or omissions
8 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at
9 California Government Code § 815.2.
10 94. Plaintiff specifically alleges that Defendants' complained of acts and/or
11 omissions, were within each of their control, and within the feasibility of each
12 of them, to alter, adjust, and/or correct so as to prevent some or all of the
13 unlawful acts and injury complained of herein by Plaintiff.
14

15 **ELEVENTH CLAIM FOR RELIEF**
16

17 **VICTIM'S RIGHTS VIOLATION**

18 **(Cal Pen Code §679.02 – tort-in-essence)**

19 **By Plaintiff Against Defendants County, Sheriff and ASSAULTING DEPUTY**

20 95. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
21 herein.
22 96. ASSAULTING DEPUTY, Defendant Sheriff and Defendant County by doing
23 and/or causing the acts complained of in this entire Complaint, and each of them,
24 are liable for violating Plaintiff's rights as a victim under California law, as set
25 forth in Cal Pen Code §679.02.
26 97. All of the rights set forth in Cal Pen Code §679.02, including but not limited to
27 Section (a)(8), require that the victim (Plaintiff in this case) be provided with
28

1 information necessarily inclusive of the identity of the assailant in order to be
2 meaningful.

3 98. Tort in essence claims are authorized by *Stop Youth Addiction v. Lucky Stores*
4 (1998) 17 Cal.4th 553, 572.

5 99. Plaintiff falls within the class of persons intended to be protected from harm,
6 and suffered the harm specified, by Cal Pen Code §679.02.

7 100. Defendants' actions as complained of throughout this Complaint have caused
8 harm sought to be prevented by Cal Pen Code §679.02, *inter alia*, the
9 withholding of information about the incident and assailant from the victim.

10 101. Defendant County is liable to Plaintiff for the acts of its public employees, the
11 individual Defendants herein, for conduct and/or omissions herein alleged,
12 pursuant to the doctrine of Respondeat Superior, codified at California
13 Government Code § 815.2.

14 102. Plaintiff specifically alleges that Defendants' complained of acts and/or
15 omissions, were within each of their control, and within the feasibility of each
16 of them, to alter, adjust, and/or correct so as to prevent some or all of the
17 unlawful acts and injury complained of herein by Plaintiff.

18

19 **TWELFTH CLAIM FOR RELIEF**

20 **SEXUAL ASSAULT VICTIM'S DNA RIGHTS VIOLATION**

21 **(Cal Pen Code §680 – tort-in-essence)**

22 **By Plaintiff Against Defendants County, Sheriff and ASSAULTING DEPUTY**

23

24 103. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
25 herein.

26 104. ASSAULTING DEPUTY, Defendant Sheriff and Defendant County by doing
27 and/or causing the acts complained of in this entire Complaint, and each of them,

28

1 are liable for violating Plaintiff's rights as a victim under California law, as set
2 forth in Cal Pen Code §680.

3 105. Rights set forth in Cal Pen Code §680, including but not limited to Section
4 (c)(2), require that the victim (Plaintiff in this case) be provided with
5 information necessarily inclusive of the identity of the assailant in order to be
6 meaningful.

7 106. Tort in essence claims are authorized by *Stop Youth Addiction v. Lucky Stores*
8 (1998) 17 Cal.4th 553, 572.

9 107. Plaintiff falls within the class of persons intended to be protected from harm,
10 and suffered the harm specified, by Cal Pen Code §680.

11 108. Defendants' actions as complained of throughout this Complaint have caused
12 harm sought to be prevented by Cal Pen Code §680, *inter alia*, the withholding
13 of information about the incident and assailant from the victim.

14 109. Defendant County is liable to Plaintiff for the acts of its public employees, the
15 individual Defendants herein, for conduct and/or omissions herein alleged,
16 pursuant to the doctrine of Respondeat Superior, codified at California
17 Government Code § 815.2.

18 110. Plaintiff specifically alleges that Defendants' complained of acts and/or
19 omissions, were within each of their control, and within the feasibility of each
20 of them, to alter, adjust, and/or correct so as to prevent some or all of the
21 unlawful acts and injury complained of herein by Plaintiff.

23 **THIRTEENTH CLAIM FOR RELIEF**
24 **VIOLATION OF PERSONAL RIGHTS**
25 **(Cal Civ Code §43)**
26 **By Plaintiff Against ALL Defendants**

- 1 111. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
- 2 herein.
- 3 112. All defendants, by doing and/or causing the acts complained of in this entire
- 4 Complaint, and each of them, are liable for violating Plaintiff's rights under
- 5 California law, as set forth in Cal Civ Code §43.
- 6 113. Entity and/or Corporate defendants are liable to Plaintiff for the acts of their
- 7 employees, the individual Defendants herein, for conduct and/or omissions
- 8 herein alleged, pursuant to the doctrine of Respondeat Superior, codified at
- 9 California Government Code § 815.2, elsewhere and as asset forth by precedent.
- 10 114. Plaintiff specifically alleges that Defendant's complained of acts and/or
- 11 omissions, were within each of their control, and within the feasibility of each
- 12 of them, to alter, adjust, and/or correct so as to prevent some or all of the
- 13 unlawful acts and injury complained of herein by Plaintiff.
- 14

15 **FOURTEENTH CLAIM FOR RELIEF**

16 **NEGLIGENCE**

17 **Cal Civ Code §§ 1714, 3333**

18 **By Plaintiff Against All Defendants**

- 20 115. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
- 21 herein.
- 22 116. This claim is brought pursuant to California state law, including but not limited
- 23 to, Cal Civ Code §§ 1714, 3333.
- 24 117. Defendants, and each of them, generally owed Plaintiff a duty of reasonable care
- 25 to avoid exposing her to reasonably foreseeable risks of harm or injury by acting
- 26 reasonably under the circumstances complained of in this Complaint.
- 27 118. As to Defendant Casino, "[H]otel proprietors have a special relationship with
- 28

1 their guests that gives rise to a duty similar to that owed by common carriers 'to
2 protect them against unreasonable risk of physical harm.'" *Peterson v. Superior*
3 *Court*, 10 Cal. 4th 1185, 1206 (1995).

4 119. All Defendants, and each of them, breached their duty of reasonable care, as
5 complained of in this Complaint, by failing to act reasonably under the
6 circumstances and exposing Plaintiff to reasonably foreseeable risks of harm or
7 injury.

8 120. As a direct, legal and proximate result of the aforementioned conduct, Plaintiff
9 suffered extreme physical, emotional and psychological pain and injury, as well
10 continues to suffer extreme emotional and psychological pain and injury.

11 121. Entity and/or Corporate defendants are liable to Plaintiff for the acts of their
12 employees, the individual Defendants herein, for conduct and/or omissions
13 herein alleged, pursuant to the doctrine of Respondeat Superior, codified at
14 California Government Code § 815.2, elsewhere and as asset forth by precedent.

15 122. Plaintiff specifically alleges that Defendant's complained of acts and/or
16 omissions, were within each of their control, and within the feasibility of each
17 of them, to alter, adjust, and/or correct so as to prevent some or all of the
18 unlawful acts and injury complained of herein by Plaintiff.

19 **FIFTEENTH CLAIM FOR RELIEF**

20 **CIVIL CONSPIRACY**

21 **By Plaintiff Against ALL Defendants**

22

23 123. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth
24 herein.

25 124. All defendants, by collaborating and agreeing to do and/or cause the acts
26 complained of in this entire Complaint, and each of them, caused Plaintiff harm
27 and are liable to Plaintiff as co-conspirators under California law.

28

1 125. "As long as two or more persons agree to perform a wrongful act, the law places
2 civil liability for the resulting damage on all of them, regardless of whether they
3 actually commit the tort themselves." *Wyatt v. Union Mortgage Co.*, 24 Cal.3d
4 773, 784 (1979).

5 126. Plaintiff specifically alleges that Defendant's complained of acts and/or
6 omissions, were within each of their control, and within the feasibility of each
7 of them, to alter, adjust, and/or correct so as to prevent some or all of the
8 unlawful acts and injury complained of herein by Plaintiff.

9

10 **DAMAGES**

11 127. Each of the aforementioned acts by each Defendant directly, legally and
12 proximately caused Plaintiff the following, *inter alia*: violation of civil rights,
13 violation of personal security, loss of enjoyment of personal security, violation
14 of personal liberty and freedom to physically move about, loss of enjoyment of
15 personal liberty and freedom to physically move about, humiliation, great and
16 extreme emotional pain, anguish and suffering, and physical injury and pain and
17 suffering.

18

19

20 **PRAYER FOR RELIEF**

21

22 128. **WHEREFORE**, Plaintiff prays for the following relief from Defendants, and
23 each of them, for each of the above causes of action:

24 (i) For compensatory damages, including general and special
25 damages, according to proof;

26 (ii) For punitive damages pursuant to 42 U.S.C. §1983 and California
27 Civil Code §§ 3294 and 52.1(b), and any other applicable laws or

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statutes, in an amount sufficient to deter and make an example of each non-governmental entity Defendant;

- (iii) For statutory damages, according to proof;
- (iv) For prejudgment interest according to proof;
- (v) For reasonable attorney fees pursuant to 42 U.S.C. §§ 1983, 1988; California Civil Code §§ 52.1, 52(b)(3); California Code of Civil Procedure § 1025.1; and any other applicable provisions;
- (vi) For damages, costs and all other relief per Cal. Civ. Code §1708.5
- (vii) For costs of suit; and
- (viii) For such further relief which is just and proper.

Dated: SEPTEMBER 12, 2022.

Respectfully submitted,
ORANGE LAW OFFICES
HADSELL STORMER & RENICK LLP

/s/ - *Olu K. Orange*

By: _____

Olu K. Orange, Esq.
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury in this action.

Dated: SEPTEMBER 12, 2022.

Respectfully submitted,
ORANGE LAW OFFICES
HADSELL STORMER & RENICK LLP

/s/ - *Olu K. Orange*

By: _____
Olu K. Orange, Esq.
Attorneys for Plaintiff